

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-10, drawn to compounds, compositions, use and 1st process of making where Y= piperazines (5 choices).

Group II, claim(s) 1-10, drawn to compounds, compositions, use and 1st process of making where Y= imidazolidones and unsaturated derivatives.

Group III, claim(s) 1-10, drawn to compounds, compositions, use and 1st process of making where Y= diaminoalkyl chain.

Group IV, claim(s) 11-12, drawn to an additional process for making I-III.

Group V, claim(s) 13-15, drawn to an additional process for making I-III.

Group VI, claim(s) 16-22, drawn to an additional process for making some of I.

Group VII, claim(s) 23-25, drawn to an additional process for making some of I-III.

Group VIII, claim(s) 26, drawn to an additional process for making some of I.

Group IX, claim(s) 27-29, drawn to an additional process for making III.

Group X, claim(s) 30-32, drawn to an additional process for making some of III.

Group XI, claim(s) 33-35, drawn to an additional process for making some of I.

Group XII, claim(s) 36, drawn to an additional process for making some of I.

If any of the process groups is elected applicants must elect a compound group(where applicable).

In addition to an election of any of the above Groups, applicants must also elect a single species within the elected group to which claims may be limited should generic claims be found not allowable.

The inventions listed as Groups I-XII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: They relate to products of considerable structural dissimilarity in view of the varying nature of Y coupled with X choices. Thus there exists no substantial structural feature in common that can be said to provide an advance over the art. The many "X" references cited in the international search report are directed to various aspects of applicants' embodiments. With regard to remaining process groups only the 1st recited process is considered to be part of the main invention. It is noted that claim 27-29 while subgeneric to claim 8 is only directed to making some of the compounds of Group III and under more narrow reaction conditions than required by claims 8-10.

The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the

product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

*In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder.** Further, note that the prohibition*

against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

In view of its length the restriction is being set forth in writing.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed

errors in the restriction requirement, the election shall be treated as an election without traverse.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emily Bernhardt whose telephone number is 571-272-0664.

If attempts to reach the examiner by telephone are unsuccessful, the acting supervisor for AU 1624, James O. Wilson can be reached at 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Emily Bernhardt/
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1624

